

REMARKS

Claims 24-28, 30-47, and 49-61 are now pending in the application. By this paper, Claims 24, 25, 30, 32-34, 38, 40-42, 45-47, 49, 51, 52, 54-56, and 58 have been amended, Claims 59-61 have been added, and Claims 23, 29, and 48 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The Specification has been amended at Paragraph [0033] to replace reference numeral "30" with reference numeral "50" at line 6 of Paragraph [0033]. Applicant respectfully submits that reference number "30" should have been reference number "50" and was inadvertently labeled reference number "30" by a typographical error. Applicant respectfully submits that adequate support for this amendment can be found at Figure 2 of the disclosure, which shows a gas nozzle positioned relative to side (50) of a funnel member to cause fuel to contact the side (50). As further support, Applicant notes that reference number "30" is referred to at Page 9, Paragraph [0034], and throughout the remainder of the Specification as identifying a cutout located adjacent to

an inlet opening of the funnel member. In light of the foregoing, Applicant respectfully requests that the above-identified typographical error be amended in the Specification.

CLAIM OBJECTIONS

Applicant has amended Claim 52 to replace the term “hold” with the term “hole.” This typographical amendment does not narrow the scope of the claim. Reconsideration and withdrawal of the objection is respectfully requested.

VOLUNTARY AMENDMENT

Claims 24, 25, 30, 32-34, 38, 40-42, 45-47, 49, 51, 52, 54-56, and 58 have been amended to respectively depend from new independent Claims 59-61. In addition, Claims 42 and 46 have been amended to conform to the terms used in new independent Claims 59-61. The foregoing amendments to Claims 24, 25, 30, 32-34, 38, 40-42, 45-47, 49, 51, 52, 54-56, and 58 do not narrow the scope of the respective claims.

REJECTION UNDER 35 U.S.C. § 102

Claims 23-26, 28-31, 35-37, 42-49, 51-53 and 56-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshita (J.P. Pat. No. 58-194627). This rejection is respectfully traversed.

Applicant respectfully submits that this rejection is moot with respect to Claims 23, 29, and 48, as Claims 23, 29, and 48 have been cancelled without prejudice or

disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant respectfully submits that this rejection is similarly moot with respect to Claims 24-28, 30-47, and 49-58, as Claims 24-28, 30-47, and 49-58 respectively depend from now-cancelled independent Claims 23, 29, and 48. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 27, 38, 39, 41, 50 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshita (J.P. Pat. No. 58-194627) in view of Bates et al. (U.S. Pat. No. 5,385,179).

Claims 32-34, 40 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshita (J.P. Pat. No. 58-194627) in view of Whitley, II. et al. (U.S. Pat. No. 5,507,324).

These rejections are respectfully traversed.

Applicant respectfully submits that these rejections are moot with respect to Claims 27, 32-34, 38-41, 50, 54, and 55, as Claims 27, 32-34, 38-41, 50, 54, and 55 depend from now-cancelled independent Claims 23, 29, and 48. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

DOUBLE PATENTING

Claims 23-58 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of U.S. Patent No. 6,588,459. This rejection is respectfully traversed.

Applicant acknowledges the above double-patenting rejection and defers filing a Terminal Disclaimer until allowance of a pending claim.

NEW CLAIMS

New Claims 59-61 are added for consideration. New Claim 59 recites a method of forming a gas tank filler neck including configuring a transition portion between a relatively large inlet and relatively large outlet of a tubular member, whereby the transition portion receives fuel directly from a nozzle to induce swirl to passing fuel for venting vapors from the gas tank during fuel filling. Similarly, independent Claim 60 recites a filler neck assembly including a funnel member having a tubular body defining a larger inlet opening, a smaller outlet opening, and a transition portion disposed between the inlet opening and the outlet opening receiving fuel directly from a nozzle to induce swirl to and vent vapors from fuel flowing through the tubular body. Independent Claim 61 recites a method of forming a filler neck for a motor vehicle fuel tank including forming a funnel member, a relatively large inlet, and a relatively small outlet. A transition of the tubular body is configured between the inlet and outlet to induce a swirl to and vent vapors from fuel received directly from a nozzle and flowing through the funnel member.

The Examiner, in rejecting now-cancelled independent Claims 23, 29, and 48, relied primarily on Yoshida (JP 58-194627 A). Yoshida discloses a filler tube having an opening area that is widened into a tapered shape. See Yoshida at Figure 4. The tapered shape extends from the widened area to a generally tubular portion.

Applicant respectfully submits that Yoshida fails to disclose a filler neck including a funnel member having a tubular body defining a large inlet opening, a small outlet opening, and a transition portion disposed between the inlet opening and the outlet opening that receives fuel *directly* from a nozzle to induce a swirl to and vent vapors from fuel flowing through the tubular body. In light of the foregoing, Applicant respectfully submits that independent Claims 59-61, as well as Claims 24-28, 30-47, and 49-58, respectively dependent therefrom, are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 15, 2006

By:

A handwritten signature in black ink, appearing to read 'Michael Malinzak', written over a horizontal line.

Michael Malinzak
Reg. No. 43,770
Matthew H. Szalach
Reg. No. 53,665

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MAM/MHSA/ca